

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

BRIAN SMITH,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 9:18-CV-00166-TH

**ORDER**

Pending before the Court is Plaintiff's *Petition to Obtain Approval of a Fee for Representing a Claimant Under the Social Security Act*. (Doc. No. 28.) Neither party filed objections to the magistrate judge's report recommending that the request be granted. (Doc. No 30.) It is therefore

**ORDERED** that the Report and Recommendation of the magistrate judge is **ADOPTED** and Plaintiff's motion is **GRANTED**. It is further

**ORDERED** that the Defendant Commissioner of Social Security shall pay the Petitioner, as attorney fee under 42 U.S.C. Section 406(b), the amount of \$18,592.75 from the Plaintiff's past-due benefits. Upon receipt of said amount, the Petitioner shall refund to the Plaintiff \$4,746.83, previously awarded under the Equal Access to Justice Act (28 U.S.C. Section 2412(d)).

**SIGNED** this the 27 day of **April, 2022**.

  
Thad Heartfield  
United States District Judge